
Appeal Decision

Hearing held on 21 June 2017

Site visit made on 21 June 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th June 2017

Appeal Ref: APP/G3110/W/16/3162804

Former Quarry Gate Public House, 19 Wharton Road, Oxford OX3 8AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Wright of Seville Developments Ltd against the decision of Oxford City Council.
 - The application Ref 16/01737/FUL, dated 30 June 2016, was refused by notice dated 15 September 2016.
 - The development proposed is described as "Proposed residential development comprising 6 No flats 1 x 1-bed, 3 x 2-bed and 2 x 3-bed flats; provision of car parking, bin and cycle storage".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the appeal form. Although this differs slightly from that provided in the application form, and the Council's decision notice, I consider it to be an accurate description of the development proposed.
 3. The Council has confirmed that three neighbours who commented on the planning application were not notified of the appeal. This appears to have been an oversight, however, the result is that those neighbours were denied the opportunity to attend the hearing and present their evidence in person. In order to ensure that the interests of the third parties were not prejudiced, each of the matters raised by those neighbours was discussed during the hearing. This ensured that the concerns were properly considered, albeit that the third parties were not present.
 4. Following the hearing, the Council supplied the full supporting text for the policies cited in the decision notice, as not all of this had been provided to me in advance. It is apparent from the appellant's submissions that this information was available to him, and I am satisfied that I can accept the late submissions without prejudice to the main parties, or those people who commented on the appeal.
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Main Issues

5. The main issues are: (i) whether the development would make adequate provision for affordable housing and; (ii) the effect of the development on the character and appearance of the area.

Reasons

Affordable Housing

6. Policy HP4 of the Sites and Housing Plan,¹ together with Policy CS24 of the Core Strategy,² require development proposals on sites with capacity for four to nine dwellings to provide a financial contribution towards the provision of affordable housing elsewhere in the City. The Council has sought to justify this policy requirement, and evidence supporting the need for affordable housing contributions has been submitted. This includes data from the Centre for Cities 'Cities Outlook' Report (2015) which considered, amongst other things, the change in housing affordability from 2004-2014, independent research from Oxford University, using Land Registry data for the period up to December 2014, and annual analysis by Lloyds Bank. The data shows that Oxford continues to be one of the least affordable areas of the country. As a result, current and future residents face major affordability issues due to high and increasing house prices, for purchase or rent, compared to average incomes. The appellant did not dispute the findings of the reports referred to by the Council, but pointed out that housing affordability is a national issue and, in that regard, Oxford is not exceptional.
7. The Council explained that small sites make up a substantial proportion of the housing land supply in Oxford and are an important part of housing delivery. If contributions are not sought from the development of small sites, it will hinder the Council's ability to meet its annual targets for affordable housing provision. In response, the appellant suggested that the application of Policy HP4, in particular, was resulting in unintended consequences. In effect, it is preventing the development of small sites thereby adversely affecting the overall supply of housing. I have been provided with data of residential completions and permissions by site size, which the appellant claims supports this argument. However, whilst there have been fluctuations in the number of units approved and completed, I am not persuaded that the fluctuations are as a result of the application of Policy HP4, since 2013. There could be a number of influencing factors and the data does not demonstrate that there is a clear causal link. I appreciate that there is anecdotal evidence that small to medium sized developers may be discouraged by the local policy. Nevertheless, on the basis of the information before me, I find that it has not been demonstrated that Policy HP4 is not achieving its objectives for affordable housing provision or that it is adversely affecting the overall supply of housing. Consequently, as no financial contribution is offered, and there is no evidence that the development would not be viable, the proposal would be in conflict with Policy HP4 of the Sites and Housing Plan and Policy CS24 of the Core Strategy.

¹ Oxford City Council Sites and Housing Plan 2011-2026 (adopted February 2013)

² Oxford Core Strategy 2026 (adopted March 2011)

8. The appellant referred to a Court of Appeal judgement,³ the result of which is that the policies in the Secretary of State's Written Ministerial Statement of 28 November 2014 (WMS), and subsequent alterations to the Planning Practice Guidance, should once again be considered as national planning policy. This defines the specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build developments. The WMS seeks to relieve the disproportionate financial burden from small scale developers.
9. The statutory position is that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The WMS is a material consideration to which I attach significant weight as Government policy, to be read alongside the National Planning Policy Framework.
10. The Council disagrees with the appellant's argument that the WMS outweighs local policy on the basis that the local circumstances set out above justify a lower threshold. I am satisfied from the evidence submitted by the Council that there is a demonstrable affordability gap in both the home ownership and private rented sectors, and there is a significant need for affordable housing in Oxford. The evidence also indicates that an absence of contributions from small sites would compromise the Council's ability to deliver its annual target for affordable homes. On this basis, I consider that the specific local circumstances are such that the WMS does not outweigh relevant local policy in this instance.
11. I appreciate that this finding is not consistent with other Inspectors who have considered this issue in relation to appeals on similar sites. However, irrespective of these decisions, the specific circumstances of this appeal and the evidence before me amount to a compelling case that the WMS should not outweigh local policy.
12. To conclude on this issue, I find that the development should make provision for affordable housing. In the absence of such provision, the development would be contrary to Policy HP4 of the Sites and Housing Plan and Policy CS24 of the Core Strategy. In reaching this conclusion, I have had regard to the appellant's comments made during the hearing about profit margins. If, in fact, viability is an issue, then evidence should be submitted to the Council to demonstrate that the full contribution would make the development unviable, in line with Policy HP4.

Character and Appearance

13. The appeal site comprises vacant land that was formerly occupied by the Quarry Gate Public House. The site occupies a corner plot at the junction of St Leonards Road and Wharton Road. The area is characterised by predominantly 1930s semi-detached dwellings, although there is a terrace of the same era to the immediate south of the site. The parties agreed that there is a very strong established character to the area, which is described as suburban housing with front gardens and a variety of materials including plain white render, pebbledash and tiled roofs.

³ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ 441

14. The development would provide six flats within a two/three-storey building. There would be an area of car parking to the rear and a single vehicular access from St Leonards Road. The building would be contemporary in appearance, comprised of three adjoining blocks with flat roofs of varying height. The appellant explained that the development has been designed to fully utilise the space available whilst addressing the constraints of the site. It also seeks to exploit the site's potential as a prominent corner plot through designing active frontages to both roads and creating visual interest to the streetscape.
15. The modern and innovative design is not without merit and I appreciate the attempt to introduce a strong visual feature and landmark building to the locality. I also recognise that efforts have been made to incorporate features common to the area, such as render and buff coloured brickwork and bay windows. However, the building would be prominent, partly as a result of its corner location, but also because it would stand forward of the building line on Wharton Road. The development would dominate the street scene due to its overall mass, height and roof design. Although the roof height may be comparable with the ridge height of the neighbouring properties, the flat roof form would be more imposing than the predominant pitched roofs in the vicinity.
16. During the site visit, I looked at the site from all angles and I appreciate the subtleties of design that are explained in the appellant's Design and Access Statement. The building would be bold and its design seeks to make a positive impact. But rather than creating a striking feature that would improve the area, I find that the development would dominate the corner and would not reflect the established character of the suburban neighbourhood in which it would be situated. Although the surroundings may be considered somewhat uninspiring, it is a pleasant area with a strong character. The development would stand out as a prominent and contemporary building that bears little relationship to its context.
17. The appellant argued that high quality development can often act as a catalyst to improve the overall quality of design in the area. However, I am not persuaded that this argument lends itself to a suburban setting where there is limited opportunity for further development. The appellant also referred me to other sites in Oxford where contemporary schemes have been built in close proximity to more traditional development. I saw that some of these schemes have been more successful than others. The most successful are in semi-commercial areas where the modern buildings act as a transition between different forms of development. In other examples, the buildings are more reflective of the adjoining development in terms of the roof form and/or the window design. Others are sited on less conspicuous plots. Whilst I accept that modern schemes can sit comfortably in traditional streetscapes, I am not persuaded that the proposed development would complement its surroundings in the way that is intended.
18. To conclude on this matter, I find that the development would not preserve or enhance the character and appearance of the area. It would therefore be contrary to Policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy and Policy HP9 of the Sites and Housing Plan which, in combination, seek to promote high-quality urban design that responds to the overall character of the area and maintains or enhances the streetscape.

Other Matters

19. Neighbours have expressed concerns about other matters, including the effect of the development on levels of light and privacy. However, given that I have found the development to be unacceptable for the reasons given above, it is not necessary for me to reach a conclusion on these matters.

Conclusion

20. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Simon Sharp	JPPC
Mr Henry Venners	JPPC
Mr Neil Perry	Anderson Orr Architects Ltd
Mr Peter Wright	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Robert Fowler	Oxford City Council
Mr Mark Jaggard	Oxford City Council
Ms Lyndsey Beveridge	Oxford City Council
Ms Rebekah Knight	Oxford City Council

INTERESTED PERSONS:

Councillor Dee Sinclair	
Ms Christene Tippet	Anderson Orr Architects Ltd

DOCUMENTS SUBMITTED AT THE HEARING

1. Appeal Decision Ref APP/G3110/W/16/3160658 dated 8 May 2017
2. Policy HP9 of the Sites and Housing Plan (2013) and supporting text
3. Draft revised wording for Condition 7